

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2(17), the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Chapter 15, “Special Education Support Personnel Authorizations,” Chapter 16, “Statements of Professional Recognition (SPR),” Chapter 18, “Issuance of Administrator Licenses and Endorsements,” Chapter 20, “Renewals,” Chapter 22, “Authorizations,” Chapter 23, “Behind-the-Wheel Driving Instructor Authorization,” Chapter 24, “Paraeducator Certificates,” and Chapter 27, “Issuance of Professional Service Licenses,” Iowa Administrative Code.

The proposed amendments update administrative rules to reflect changes to Iowa Code section 272.2(17), which was amended by 2015 Iowa Acts, Senate File 131, regarding the review of information in the Iowa court information system during background checks. The amendments also streamline several rules by creating a single reference for all background check procedures.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, September 25, 2015. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147; or sent by e-mail to kim.cunningham@iowa.gov; or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, September 23, 2015, at 1 p.m. in Room B50, Basement, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, at the above address, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

These amendments are subject to waiver pursuant to 282—Chapter 6.

After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(17) as amended by 2015 Iowa Acts, Senate File 131.

The following amendments are proposed.

ITEM 1. Amend rule 282—13.1(272) as follows:

282—13.1(272) All applicants desiring Iowa licensure.

13.1(1) *Licenses, authorizations, certificates, and statements of professional recognition.* Licenses, authorizations, certificates, and statements of professional recognition are issued upon application filed on a form provided by the board of educational examiners and upon completion of the following:

~~13.1(1)~~ a. *National criminal history background check.* An initial applicant will be required to submit a completed fingerprint packet that accompanies the application to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet will be assessed to the applicant.

~~13.1(2)~~ *b.* *Iowa division of criminal investigation background check.* An Iowa division of criminal investigation (DCI) background check will be conducted on initial applicants. The fee for the evaluation of the DCI background check will be assessed to the applicant.

c. *Registries and records check.* A check of the following registries and records will be conducted on initial applicants: the sex offender registry under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, the central registry for dependent adult abuse information maintained under Iowa Code chapter 235B, and the information in the Iowa court information system available to the general public. The fee for checks of these registries and records will be assessed to the applicant.

~~13.1(3)~~ **13.1(2)** *Temporary permits.* The executive director may issue a temporary permit to an applicant for any type of license, certification, or authorization issued by the board, after receipt of a fully completed application; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check. The temporary permit shall serve as evidence of the applicant's authorization to hold a position in Iowa schools, pending the satisfactory completion of the national criminal history background check. The temporary permit shall expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

ITEM 2. Adopt the following new subparagraph **15.7(6)“b”(6)**:

(6) Have completed the background check requirements set forth in rule 282—13.1(272).

ITEM 3. Amend rule 282—16.1(272) as follows:

282—16.1(272) Statement of professional recognition (SPR).

16.1(1) The following are authorizations requiring or permitting statements of professional recognition and licenses obtained from the professional licensure division, department of public health, or the board of nursing:

- ~~1.~~ *a.* School audiologist.
- ~~2.~~ *b.* School nurse.
- ~~3.~~ *c.* School occupational therapist.
- ~~4.~~ *d.* School physical therapist.
- ~~5.~~ *e.* School social worker.
- ~~6.~~ *f.* Special education nurse.
- ~~7.~~ *g.* Speech-language pathologist.

16.1(2) *Application.* Statements of professional recognition are issued upon application filed on a form provided by the board of educational examiners and upon completion of the background check requirements set forth in rule 282—13.1(272).

ITEM 4. Amend rule 282—18.1(272) as follows:

282—18.1(272) All applicants desiring an Iowa administrator license.

18.1(1) *Administrator licenses.* Administrator licenses are issued upon application filed on a form provided by the board of educational examiners and upon completion of the following:

~~18.1(1)~~ *National criminal history background check.* An initial applicant will be required to submit a completed fingerprint packet that accompanies the application to facilitate a national criminal history background check. The fee for the evaluation of the fingerprint packet will be assessed to the applicant. the background check requirements set forth in rule 282—13.1(272).

~~18.1(2)~~ *Iowa division of criminal investigation background check.* An Iowa division of criminal investigation background check will be conducted on initial applicants. The fee for the evaluation of the DCI background check will be assessed to the applicant.

~~18.1(3)~~ **18.1(2)** *Temporary permits.* The executive director may issue a temporary permit to an applicant for any type of license, certification, or authorization issued by the board, after receipt of a fully completed application, including certification from the applicant of completion of the Praxis II

examination, if required; determination that the applicant meets all applicable prerequisites for issuance of the license, certification, or authorization; and satisfactory evaluation of the Iowa criminal history background check. The temporary permit shall serve as evidence of the applicant's authorization to hold a position in Iowa schools, pending the satisfactory completion of the national criminal history background check and the board's receipt of verification of completion of the Praxis II examination. The temporary permit shall expire upon issuance of the requested license, certification, or authorization or 90 days from the date of issuance of the permit, whichever occurs first, unless the temporary permit is extended upon a finding of good cause by the executive director.

ITEM 5. Amend subrule 20.3(3) as follows:

20.3(3) Background check. Every ~~renewal~~ applicant for renewal or conversion is required to submit a completed application form with the applicant's signature to facilitate a check of the sex offender registry information under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, ~~and the central registry for dependent adult abuse records information maintained under Iowa Code chapter 235B, and the Iowa court information system.~~ The board may assess the applicant a fee no greater than the costs associated with obtaining and evaluating the background check.

ITEM 6. Amend subrule 22.1(2) as follows:

22.1(2) Requirements. Applicants for the coaching authorization shall have completed the following requirements:

a. and b. No change.

c. ~~Iowa division of criminal investigation background~~ Background check. ~~Applicants must have successfully completed an Iowa division of criminal investigation background check. The background check fee will be assessed to the applicant.~~ Applicants must complete the background check requirements set forth in rule 282—13.1(272).

d. ~~National criminal history background check.~~ ~~Applicants must have successfully completed a national criminal history background check. The background check fee will be assessed to the applicant.~~

ITEM 7. Amend paragraph **22.2(1)“a”** as follows:

a. **Requirements.** Applicants for the substitute authorization shall meet the following requirements:

(1) to (3) No change.

(4) ~~Iowa division of criminal investigation background~~ Background check. ~~Applicants must have successfully completed an Iowa division of criminal investigation background check. The background check fee will be assessed to the applicant.~~ Applicants must complete the background check requirements set forth in rule 282—13.1(272).

(5) ~~National criminal history background check.~~ ~~Applicants must have successfully completed a national criminal history background check. The background check fee will be assessed to the applicant.~~

ITEM 8. Amend subrule 22.3(4) as follows:

22.3(4) Specific requirements for an initial school business official authorization. Applicants for an initial school business official authorization shall have completed the following requirements:

a. and b. No change.

c. ~~Iowa division of criminal investigation background~~ Background check. ~~Applicants must have successfully completed an Iowa division of criminal investigation background check. The background check fee will be assessed to the applicant.~~ Applicants must complete the background check requirements set forth in rule 282—13.1(272).

d. ~~National criminal history background check.~~ ~~Applicants must have successfully completed a national criminal history background check. The background check fee will be assessed to the applicant.~~

ITEM 9. Amend paragraph **22.5(3)“b”** as follows:

b. ~~Iowa division of criminal investigation background~~ Background check. ~~The applicant must have successfully completed an Iowa division of criminal investigation background check. The~~

~~background check fee will be assessed to the applicant. The applicant must complete the background check requirements set forth in rule 282—13.1(272).~~

ITEM 10. Rescind paragraph **22.5(3)“c.”**

ITEM 11. Reletter paragraphs **22.5(3)“d”** to **“g”** as **22.5(3)“c”** to **“f.”**

ITEM 12. Amend subrule 22.5(6) as follows:

22.5(6) Conversion. The preliminary native language teaching authorization may be converted to a native language teaching authorization. The applicant must provide official transcripts verifying the completion of the coursework required in 22.5(3)~~“e.”~~ “d.”

ITEM 13. Amend subrules 22.7(3) and 22.7(4) as follows:

22.7(3) Application process. Any person interested in the school administration manager authorization shall submit to the board of educational examiners an application which includes a written verification of employment from a school district administrator. Application materials are available from the office of the board of educational examiners, online at <http://www.boee.iowa.gov/>.

~~A person serving as a school administration manager prior to July 1, 2014, is eligible for the standard school administration manager authorization, subject to the Iowa division of criminal investigation and national criminal history background checks. The person will be assessed the background check fee. The school administration manager must have completed the school administration manager training and be listed on the Basic Educational Data Survey as a school administration manager by October 31, 2013. The application fee for such persons will be waived if the application is received prior to June 30, 2014.~~

22.7(4) Specific requirements for an initial school administration manager authorization. Applicants for an initial school administration manager authorization shall have completed the following requirements:

a. and b. No change.

c. ~~Iowa division of criminal investigation background~~ Background check. Applicants must have successfully completed an Iowa division of criminal investigation background check. ~~The background check fee will be assessed to the applicant. Applicants must complete the background check requirements set forth in rule 282—13.1(272).~~

d. ~~National criminal history background check.~~ Applicants must have successfully completed a national criminal history background check. ~~The background check fee will be assessed to the applicant.~~

ITEM 14. Amend paragraph **22.8(3)“b”** as follows:

b. ~~Iowa division of criminal investigation background~~ Background check. ~~The applicant must have successfully completed an Iowa division of criminal investigation background check. The background check fee will be assessed to the applicant. The applicant must complete the background check requirements set forth in rule 282—13.1(272).~~

ITEM 15. Rescind paragraph **22.8(3)“c.”**

ITEM 16. Reletter paragraphs **22.8(3)“d”** to **“f”** as **22.8(3)“c”** to **“e.”**

ITEM 17. Amend subrule 22.10(1) as follows:

22.10(1) Application process. Any person interested in the activities administration authorization shall submit an application and records of credit to the board of educational examiners for an evaluation of the required courses or contact hours. Application materials are available from the office of the board of educational examiners online at <http://www.boee.iowa.gov/>.

a. and b. No change.

c. ~~Iowa division of criminal investigation background~~ Background check. Applicants must have successfully completed an Iowa division of criminal investigation background check. ~~The background check fee will be assessed to the applicant. Applicants must complete the background check requirements set forth in rule 282—13.1(272).~~

d. ~~National criminal history background check.~~ Applicants must have successfully completed a national criminal history background check. ~~The background check fee will be assessed to the applicant.~~

ITEM 18. Adopt the following new paragraph **23.1(1)“d”**:

d. Complete the background check requirements set forth in rule 282—13.1(272).

ITEM 19. Amend rule 282—24.1(272) as follows:

282—24.1(272) Paraeducator certificates. Iowa paraeducator certificates are issued upon application filed on a form provided by the board of educational examiners. Applicants must complete the background check requirements set forth in rule 282—13.1(272).

ITEM 20. Adopt the following new paragraph **27.2(1)“e”**:

e. Completes the background check requirements set forth in rule 282—13.1(272).